

1           30.78 (1r) NOTICE TO DEPARTMENT OF TRANSPORTATION. The department of  
2           transportation shall receive timely notice of the public hearing required under subs.  
3           sub. (1) and (1g) and shall have an opportunity to present testimony on the proposed  
4           ordinance. An ordinance under sub. (1) (b) ~~or (1g)~~ that regulates or restricts an area  
5           of surface waters for landing or take-off purposes shall be filed with the department  
6           of transportation.

7           (2) MARKING OF REGULATED OR RESTRICTED AREAS. ~~Any ordinance~~ A local  
8           regulation that regulates or restricts an area of surface waters under sub. (1) ~~or (1g)~~  
9           shall direct that the area be marked by standard marking devices.

10          SECTION 210. 30.78 (3) of the statutes is repealed.

11          SECTION 211. 30.79 ~~(1) and (b)~~ <sup>1. and</sup> 2. of the statutes are amended to read:

12          ~~30.79 (1) (a) "Local governmental unit" means a municipality, a public inland~~  
13          ~~lake protection and rehabilitation district or a lake sanitary district has the meaning~~  
14          ~~given in s. 30.50 (4a).~~

15          ~~sub 2.~~ <sup>strike space</sup> A unit created by ~~a public inland lake protection and rehabilitation~~  
16          ~~district, by a lake sanitary district or by a number of one or more~~ local governmental  
17          units riparian to a single lake, at least one of which is a lake district or a lake sanitary  
18          district, for the purposes specified in subd. 1.

19          SECTION 212. 30.79 ~~sub 1, 2, 3 and 4~~ <sup>stat</sup> 2), (3) and (4) of the statutes are amended to read:

20          ~~sub 1, 2, 3 and 4~~ (b) 1. A unit within an existing municipal law enforcement agency or  
21          a separate municipal agency, created by a municipality or by a number of  
22          municipalities riparian to a single body of water for the purpose of enforcing ss. 30.50  
23          to 30.80 and any rules promulgated and ordinances enacted under ss. 30.50 to 30.80  
24          s. 30.77 and for the purpose of conducting search and rescue operations.

30.79  
(1) (2) STATE AID. In order to protect public rights in navigable waters and to promote public health, safety, and welfare and the prudent and equitable use of the navigable waters of the state, a system of state aids for local enforcement of ss. 30.50 to 30.80 and ordinances enacted under ss. ~~30.50 to 30.80~~ s. 30.77 and for conducting search and rescue operations is established.

(3) ENFORCEMENT POWERS. Officers patrolling the waters as part of a water safety patrol unit may stop and board any boat for the purpose of enforcing ss. 30.50 to 30.80 or ~~any rules promulgated or~~ ordinances enacted under ss. ~~30.50 to 30.80~~ s. 30.77 and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation of the sections, ~~rules~~ or ordinances or the stopping and boarding of any boat is essential to conduct a search and rescue operation.

(4) JURISDICTION. Upon petition by any local governmental unit or group of local governmental units operating or intending to operate a water safety patrol unit, the department shall, if it finds that it is in the interest of efficient and effective enforcement to do so, by rule define the waters which may be patrolled by the unit, including waters lying within the territorial jurisdiction of some other ~~town~~ <sup>city</sup>, village, <sup>town</sup> ~~city~~ or ~~city~~ <sup>city</sup> if the ~~town~~ <sup>city</sup>, village, or ~~city~~ <sup>town</sup> consents to the patrol of its waters. Such consent is not required if the petitioner is a local governmental unit containing a population of 5,000 or more, bordering upon the waters to be affected by the rule in counties having a population of less than 500,000. Officers patrolling the waters as part of the water safety patrol unit shall have the powers of sheriff in enforcing ss. 30.50 to 30.80, or ~~rules promulgated or~~ ordinances enacted under ss. ~~30.50 to 30.80~~ s. 30.77 and in conducting search and rescue operations, on any of the waters so defined, whether or not the waters are within the jurisdiction of the local governmental unit for other purposes.

NOTE: Section 30.5005 (1) (b), as created by this ~~bill~~, states the general authority of DNR to promulgate rules under this subchapter. The specific reference to DNR rule-making authority ~~is~~ repealed.

1        **SECTION 213.** 30.80 (2) of the statutes is amended to read:

2        30.80 (2) Any person violating s. 30.68 (2) shall be fined not more than \$200  
3        or imprisoned <sup>for</sup> not more than 6 months or both. ~~Any person violating s. 30.68 shall~~  
4        ~~be required to obtain a certificate of satisfactory completion of a safety course under~~  
5        ~~s. 30.74 (1).~~

NOTE: The ~~repealed~~ <sup>striken</sup> language duplicates s. 30.80 (2m).

6        **SECTION 214.** 30.80 (3) of the statutes is amended to read:

7        30.80 (3) Any person violating s. 30.71 ~~or any rule promulgated under that~~  
8        ~~section~~ shall forfeit not more than \$100 for the first offense and shall forfeit not more  
9        than \$200 upon conviction of the same offense a 2nd or subsequent time within one  
10       year.

11       **SECTION 215.** 30.80 (4) of the statutes is amended to read:

12       30.80 (4) Any person violating any provision of s. 30.72 ~~or the rules~~  
13       ~~promulgated under s. 30.72~~ shall forfeit not more than \$100 for the first offense and  
14       shall forfeit not more than \$200 upon conviction of the same offense a 2nd or  
15       subsequent time within one year.

NOTE: Section 30.5005 (1) (b), as created by this ~~bill~~, states the general authority of DNR to promulgate rules under this subchapter. The specific reference to DNR rule-making authority in s. 30.80 (3) and (4) ~~is repealed~~ <sup>is deleted</sup>.

16       **SECTION 216.** 30.81 (1) ~~(title)~~ and (intro.) of the statutes ~~are~~ repealed and  
17       recreated to read:

18       30.81 (1) ~~(title)~~ LOCAL REGULATION AUTHORIZED. <sup>authority to enact an ordinance</sup> (intro.) A local governmental  
19       unit ~~as defined in s. 30.77 (1) (b)~~ that has jurisdiction under s. 30.77 (4), (6), ~~and~~ (7)  
20       may, after public hearing, enact <sup>an</sup> ordinances ~~that are~~ <sup>is</sup> not inconsistent with this

chapter, relative to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on icebound inland waters.

**SECTION 217.** 30.81 (1m) and (2) of the statutes are repealed.

**SECTION 218.** 30.81 (3) of the statutes is amended to read:

30.81 (3) LIABILITY OF LOCAL GOVERNMENT. All traffic on icebound, inland waters shall be at the risk of the traveler. An ordinance ~~by any municipality or any public inland lake protection and rehabilitation district that is enacted under this section~~ permitting traffic on icebound inland waters shall not render <sup>stet= plain</sup> ~~(the) municipality or lake district~~ local governmental unit enacting the ordinance liable for any accident to those engaged in permitted traffic while the ordinance is in effect.

**SECTION 219.** 30.81 (4) of the statutes is amended to read:

30.81 (4) ENFORCEMENT. A law enforcement officer of a ~~town, village or city~~ local governmental unit that ~~is subject to~~ enacts an ordinance ~~enacted~~ under sub. (1) ~~or (1m)~~ has the powers of sheriff in enforcing the ordinance on any portion of the lake waters, whether or not that portion of the lake waters is within the jurisdiction of the ~~town, village or city~~ local governmental unit for other purposes.

NOTE: The amendments to s. 30.81 expand the scope of local regulation of icebound waters, so that any local governmental unit that has jurisdiction and current authority to enact local ordinances under s. 30.77 may also enact ordinances for icebound waters. This authority applies to the same waters that may be regulated by the local governmental unit under s. 30.77. Although s. 30.77 is used to define the scope of local authority to regulate icebound waters, it should be noted that the procedures in s. 30.77 do not apply to these ordinances.

~~**SECTION 220.** 30.90 of the statutes is amended to read:~~

~~**30.90 Public access to Lake Lions Lake.** Neither the county or town may provide, nor shall any subdivider be required or permitted to provide, public access to Lions Lake in the town of Alban, Portage County, if such public access will in any way interfere with the use of the lake as a recreational area for the physically~~

1 ~~handicapped as long as such that use is continued. The department may stock said~~  
2 ~~the lake with fish as long as such that use is continued, any provision in ch. 29 to the~~  
3 ~~contrary notwithstanding. The town board of the town of Alban shall have~~  
4 ~~jurisdiction over Lake Lions Lake, and may enact and enforce such ordinances~~  
5 ~~necessary to prevent any deterioration of the said the waters or any nuisances which~~  
6 ~~would adversely affect the public health or safety of the people.~~

✓  
Insert  
113-67 → SECTION 221. Subchapter VI (title) of chapter 30 [precedes 30.95] of the  
8 statutes is created to read:

9 CHAPTER 30

10 SUBCHAPTER VI

11 ENFORCEMENT; PENALTIES

12 SECTION 222. 30.96 (title) of the statutes is created to read:

13 30.96 (title) **Infringement of public rights.**

14 SECTION 223. 30.98 (title) of the statutes is created to read:

15 30.98 **Penalties.** (title)

16 SECTION 224. 30.98 (1) (title) of the statutes is created to read:

17 30.98 (1) (title) VIOLATION OF PERMIT, CONTRACT<sup>✓</sup> OR ORDER.

18 SECTION 225. 31.93<sup>✓</sup> of the statutes is created to read:

19 31.93 **Enforcement of forfeitures.** The district attorney of the appropriate  
20 county or, at the request of the department, the attorney general shall institute  
21 proceedings to recover any forfeiture imposed or to abate any nuisance committed  
22 under this chapter.

23 SECTION 226. 33.475<sup>✓</sup> of the statutes is amended to read:

24 33.475 **Boating fees.** Notwithstanding the prohibition in s. 30.77 (1)<sup>✓</sup> against  
25 ordinances and local regulations that exclude any boat from the free use of the waters

*For purposes of*  
1 of the state <sup>✓</sup>(2), and in addition to the powers granted the county under ss. 30.77 (3)  
2 (e) <sup>✓</sup>(5) (f) 5. to 7. and 59.54 (2), the county may charge boat operators reasonable fees  
3 for the costs of providing other recreational boating services not specified in ss. 30.77  
4 <sup>✓</sup>(3) (e) <sup>✓</sup>(5) (f) 5. to 7. and 59.54 (2). *a town sanitary district shall determine*

5 SECTION 227. 60.782 (1m) of the statutes is created to read:

6 60.782 (1m) ~~in~~ this section, ~~the~~ footage of shoreline ~~shall be determined~~ by use  
7 of a map wheel on the U.S. geological survey ~~(1/2)~~ minute series map. *7 1/2*

8 SECTION 228. 236.16 <sup>✓</sup>(3) (d) (intro.) of the statutes is amended to read:

9 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public  
10 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may  
11 petition the city, village, town<sup>✓</sup>, or county that owns the public access to construct  
12 shoreline erosion control measures. Subject to par. (e), the city, village, town<sup>✓</sup>, or  
13 county shall construct the requested shoreline erosion control measures or request  
14 the department of natural resources to determine the need for shoreline erosion  
15 control measures. Upon receipt of a request under this paragraph from a city, village,  
16 town<sup>✓</sup>, or county, the department of natural resources shall follow the procedures in  
17 s. 30.02 (3) and (4) <sup>✓</sup>30.245, treating the request for a determination as a permit  
18 application. Subject to par. (e), the city, village, town or county shall construct  
19 shoreline erosion control measures as required by the department of natural  
20 resources if the department of natural resources determines all of the following:

21 SECTION 229. 299.05 <sup>✓</sup>(1) and (2) (a) of the statutes are amended to read:

22 299.05 (1) The department shall promulgate rules under which the  
23 department refunds fees paid by an applicant for a license or approval that is issued  
24 under ss. 30.10 to 30.205 or 30.21 to 30.27<sup>5</sup> subch. II of ch. 30, except for ss. 30.221  
25 and 30.223<sup>3</sup> chs. 280 to 292, or subch. II of ch. 295 and that is of a type specified in

the rule if the department fails to make a determination on the application within the time limit specified in the rule for that type of license or approval. The rules under this subsection do not apply to an applicant for a license or other approval related to mining, as defined in s. 293.01 (9), prospecting, as defined in s. 293.01 (18), or nonmetallic mining, as defined in s. 295.11 (3).

(2) (a) Permits and other approvals under ~~ss. 30.10 to 30.205 and 30.21 to 30.27~~ subch. II of ch. 30, ~~except for~~ <sup>✓</sup> ss. 30.221 and 30.223.

SECTION 230. 709.03 (form) <sup>C.</sup> 27. of the statutes is renumbered 709.03 (form) C. 28.

SECTION 231. 709.03 (form) <sup>C.</sup> 27. of the statutes is created to read:

709.03 (form) ~~11A~~ <sup>✓</sup>

C. 27. I am aware of <sup>that the property is located in a</sup> drainage districts or other <sup>legally binding obligations that may require</sup> ~~that~~ <sup>that I</sup> contribute ~~to~~ <sup>to</sup> the cost of draining ~~the~~ <sup>the property</sup> ~~property~~.

NOTE: This adds a provision to the seller's disclosure form for residential real estate transactions.

SECTION 232. Nonstatutory provisions.

(1) ADVISORY COMMITTEE; RULES ON NAVIGABILITY. The department of natural resources shall appoint an advisory committee <sup>collectively possess</sup> to advise and assist the department <sup>under section 227.13 of the statutes</sup> in drafting <sup>with respect to the promulgation of rules</sup> rules under section 30.04 (3) of the statutes, as created by this act. The department of natural resources shall appoint members to the advisory committee who represent <sup>a wide variety of</sup> a wide variety of knowledge, experience, and interest in the navigable waters of this state.

(2) REPORT ON DRAINAGE OF AGRICULTURAL LAND. The department of agriculture, trade and consumer protection and the department of natural resources shall

✓  
- when is report due?  
- who gets it?

1 prepare a joint report on the drainage of agricultural land, with particular emphasis  
 2 on the drainage that occurs in organized drainage districts. The report shall describe  
 3 all of the following:

4 (a) A summary of the history of each department's involvement with the  
 5 supervision of and assistance to those involved in the drainage of land.

6 (b) The current statutory authority and responsibilities of each department  
 7 with respect to the drainage of land.

8 (c) The current efforts of each department to carry out its authority and  
 9 responsibility.

10 (d) The efforts of the departments to cooperate with each other with respect to  
 11 the drainage of land, and the potential for increasing the level of cooperation between  
 12 the departments.

13 (e) Any areas of disagreement between the departments regarding the  
 14 authorities and responsibilities of each.

15 **SECTION 233. Cross-reference changes.** In the sections of the statutes listed  
 16 in Column A, the cross-references shown in Column B are changed to the  
 17 cross-references shown in column C:

Insert 116-1415

SPS: rulings are to be done in the table

OLRB-4773/P1 rough copy for initial editing.

A	B	C
Statute Sections	Old Cross-Reference	New Cross-Reference
20.370 (1) (mu)	30.203, 30.277	30.355, 30.361
<del>20.370 (1) (mu)</del>	<del>30.277</del>	<del>30.361</del>
20.370 (4) (bi)	30.28	30.243
20.370 (4) (mu)	30.203, 30.277	30.355, 30.361
<del>20.370 (4) (mu)</del>	<del>30.277</del>	<del>30.361</del>



1	20.370 (6) (ca)	30.275	30.359
2	20.370 (7) (aa)	30.203	30.355
3	23.09 (2) (d) 16.	30.24	30.357
4	23.09 (2r) (b)	30.277	30.361
5	23.0915 (1g)	30.277	30.361
6	✓ 23.0915 (1r) (c)	30.277 ✓	30.361 ✓
7	✓ 23.0915 (1r) (c)	30.277 (2) (a) ✓	30.361 (2) (a) ✓
8	23.0917 (3) (c) 1.	30.26	30.271
9	23.0917 (4) (b) 4.	30.277	30.361
10	✓ 23.0917 (7) (a)	30.24 (4) and 1	30.357 (4), and 1
11	<del>23.0917 (7) (a)</del>	30.277	30.361
12	23.0917 (7) (e)	30.277	30.361
13	✓ 23.096 (2) (a)	30.24 and 1	30.357, and 1
14	<del>23.096 (2) (a)</del>	30.277	30.361
15	23.197 (2) (a)	30.277 (5)	30.361 (5)
16	✓ 23.33 (13) (cg)	30.67 (3) (b)	30.67 (b) 1g
17	24.39 (4) (a) 1.	30.01	30.01 (3)
18	24.39 (4) (a) 2.	30.01	30.01 (4)
19	24.39 (4) (c)	30.11 (5)	30.343
20	24.39 (4) (f)	30.11 (5)	30.343
21	24.39 (4) (h)	30.11 (5)	30.343
22	24.39 (4) (i)	30.11	30.343

1	28.11 (12) (1m)	30.03 (4)	30.96
2	29.193 (b)	30.77 (3)	30.77
3	<del>29.193 (1) (b)</del> ✓ 29.519 (2) (fm)	<del>30.77 (3)</del> 30.50 (2)	<del>30.77</del> 30.01 <del>(1m)</del> (1m)
4	29.601 (3) (a)	30.12 (3) (a) 1.	30.12 (4) (a) 1.
5	29.601 (5) (a)	30.12 (4)	30.341
6	✓ 30.40 (3) 30.773 (2)	30.50 (2) 30.11	30.01 <del>(1m)</del> (1m) 30.321
7	30.773 (3)	30.11	30.321
8	✓ 30.80 (2g) (intro.)	30.67 (1) ✓	30.67 (1m) ✓
9	✓ 30.92 (4) (b) 8. c. and d.	30.74 (2) (b)	30.50 (1b)
10	<del>30.92 (4) (b) 8. d.</del>	<del>30.74 (2) (b)</del>	<del>30.50 (1b)</del>
11	31.39 (2m) (c)	30.28 (2) (a)	30.243 (2) (a)
12	33.455 (3) (b)	30.77 (3) (a)	30.77
13	<del>33.455 (3) (b)</del>	<del>30.77 (3) (a)</del>	<del>30.77</del>
14	✓ 33.46 (2) (c)	30.77 (3) (e) ✓	30.77 (5) (f) 5. to 7.
15	<del>33.46 (2) (c)</del>	<del>30.77 (3) (e)</del>	<del>30.77 (5) (f) 5. to 7.</del>
16	60.0133 (3)	30.32	30.493
17	60.24 (3) (f)	30.37 (3)	30.497 (3)
18	61.351 (2m)	30.11	30.321
19	62.231 (2m)	30.11	30.321
20	84.18 (6)	30.12 (4)	30.341
21	85.095 (1) (a)	30.37	30.497
22	✓ 106.42 (1) (b) 200.35 (4)	30.50 (2) 30.05	30.01 <del>(1m)</del> (1m) 30.223

1	281.22 (2) (c)	30.28 (2) (a)	30.243 (2) (a)
2	281.35 (1) (b) 2.	30.18 (6) (c)	30.18 (4) (b)
3	✓ 281.37 (1) (a) 3.	30.26 ✓	30.271
4	✓ 281.37 (1) (a) 3.	30.275 ✓	30.359
5	295.16 (2)	30.30, 30.31	30.491, 30.492
6	295.16 (4) (j)	30.21	30.293
7	295.33 (4)	30.20 (2) (b)	30.20 (3) (b)
8	✓ 350.11 (2m)	30.67 (3) (b)	30.67 (1) (b)
9	✓ 422.413 (2g) (intro.) 895.55 (2) (intro.)	30.50 (2) subch. IV	30.01 (1a) (1bm) subch. III
10	✓ 938.17 (1) (intro.)	30.67 (1)	30.67 (1m)
11	✓ 938.396 (3)	30.67 (1)	30.67 (1m)
12	943.13 (4m) (c)	30.134	30.85
13	978.05 (6) (a)	30.03 (2)	30.97

#### SECTION 234. Initial applicability.

##### (1) LOCAL BOATING ORDINANCES

Section 30.77 of the statutes ~~as affected by this act~~ first applies to an ordinance relating to the regulation of boating that is enacted after the effective date of this subsection. *The treatment of or adopted on*

(b) Section 30.77 of the statutes, as affected by this act, applies to an ordinance relating to the regulation of boating that is enacted before the effective date of this subsection, if an amendment to the ordinance is enacted on or after the effective date of this subsection.

NOTE: This provision relates to the applicability of amended s. 30.77 to preexisting boating ordinances. The general rule established above is that amended s. 30.77 applies

prospectively only. That is, only local boating ordinances enacted after the effective date of the legislation are subject to the amended statute. This allows preexisting ordinances to be judged, in any challenge, by the statutory standards in place when the ordinance was adopted, and does not raise doubts about the authority for preexisting ordinances.

However, if a preexisting ordinance is amended after the effective date of this legislation, this provision makes the newly amended statute applicable to the entirety of the ordinance enacted before the effective date of the legislation. This avoids the confusion that would potentially result if preexisting portions of a boating ordinance were subject to the prior statute, and new or amended portions of the boating ordinance were subject to the amended statute. This does not mean that any portion of a preexisting ordinance must necessarily be amended when any portion of the ordinance is being amended or any new provision is being added to the ordinance. What it means is that a local governmental unit should review the preexisting ordinance in light of the amended statute, to determine if additional changes are necessary.

For the most part, the special committee believes that changes to preexisting ordinances will not be necessary. Most of the requirements in s. 30.77, as amended, are simply restatements and extensions of current statutory requirements.

**2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-5176/P1ins  
RNK:.....

**INSERT 62-21** ✓

✓  
**SECTION 1.** 30.50 (9) of the statutes is amended to read:

30.50 (9) "~~Owner~~" Except as provided ~~in~~ <sup>in</sup> s. 30.605, "owner" means the person who has lawful possession of a boat by virtue of legal title or equitable interest therein which entitles the person to lawful possession.

History: 1979 c. 275; 1983 a. 27, 100; 1985 a. 279, 331; 1987 a. 3, 374; 1989 a. 145; 1991 a. 39, 257, 316; 1995 a. 290, 349, 436, 448; 1997 a. 198; 1999 a. 9; 2001 a. 16.

**INSERT 72-5** ✓

✓  
**SECTION 2.** 30.62 (3) (c) of the statutes is created to read:

30.62 (3) (c) 1. In this paragraph, "racing vessel" means a manually propelled racing shell, rowing scull, racing canoe, or racing kayak of the type that is recognized by a national or international racing association for use in competitive racing.

2. Paragraph (a) does not apply to a racing vessel if all of the vessel's occupants, other than a coxswain, row, scull, or paddle the vessel and if the vessel is not designed to carry and does not carry any equipment other than equipment used solely for competitive racing.

**INSERT 72-20**

✓  
**SECTION 3.** 30.62 (4) (b) 2. of the statutes is created to read:

30.62 (4) <sup>b</sup> 2. A motorboat that is equipped with an outboard motor and that is constructed in a manner that does not permit explosive or flammable gases or vapors to become entrapped in the motorboat.

**INSERT 73-7** ✓

✓  
**SECTION 4.** 30.62 (6) (b) of the statutes is created to read:

30.62 (6) (b) Paragraph (a) does not apply to a motorboat that is constructed in a manner that does not permit explosive or flammable gases or vapors to become entrapped in the motorboat.

INSERT 84-5 ✓

*be*  
\*\*\*\*Note: Under s. 30.80 (2m), *stats*, a person who violates s. 30.68 must obtain a certificate of satisfactory completion of a safety course. By renumbering s. 30.68 (5m) to s. 30.66 (5), no such certificate will be required for a violation of that provision. Is that result intended?

INSERT 87-17 ✓

*move* →

SECTION 5. 30.69 (1) (title) of the statutes is amended to read:

30.69 (1) (title) ~~PROHIBITED AT CERTAIN TIMES~~ PROHIBITIONS; EXCEPTION.

History: 1973 c. 302; 1985 a. 331; 1991 a. 257, 315, 316; 1993 a. 437.

SECTION 6. 30.69 (title) of the statutes is amended to read:

30.69 (title) Water skiing and similar activities.

History: 1973 c. 302; 1985 a. 331; 1991 a. 257, 315, 316; 1993 a. 437.

SECTION 7. 30.69 (1) (a) of the statutes is *renumbered 30.69(1)(a) (intro.) and* amended to read:

30.69 (1) (a) *(intro.)* ~~Except as provided in par. (b), no~~ No person may operate do any  
of the following:

1. Operate a motorboat towing a person ~~on engaged in~~ *engaged in* water skis, aquaplane ~~or~~ *or*  
skiing or a similar device activity unless there is in the boat a competent person in addition to the operator ~~in a position to observe the progress of the person being towed. An observer shall be considered competent if that person who is in a position to observe, and~~ can in fact observe, the person being towed and relay any signals to the operator. This observer requirement ~~does not apply to motorboats classified as Class A motorboats by the department actually operated by the persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.~~  
No person may engage

2. Engage in water skiing, aquaplaning or a similar activity, or operate a motorboat towing a person engaged in water skiing or a similar activity, at any time from sunset to sunrise. ~~This restriction of the hours of water skiing does not prevent restrictions of the hours of water skiing between sunrise and sunset by local ordinances enacted pursuant to s. 30.77 (3).~~

History: 1973 c. 302; 1985 a. 331; 1991 a. 257, 315, 316; 1993 a. 437.

SECTION 8. 30.69 (1) (b) of the statutes is amended to read:

30.69 (1) (b) <sup>(intro.)</sup> Paragraph (a) 1. does not apply to ~~duly authorized water~~ any of the following:

1. Water ski tournaments, competitions, exhibitions or trials therefor, where adequate lighting is provided for practice sessions that are authorized by a permit from a local governmental unit that enacts an ordinance under s. 30.77.

2. Motorboats less than 16 feet long that are operated by the person being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.

History: 1973 c. 302; 1985 a. 331; 1991 a. 257, 315, 316; 1993 a. 437.

SECTION 9. 30.69 (1) (bm) of the statutes is created to read:

30.69 (1) (bm) Paragraph (a) 2. does not apply to water ski tournaments, competitions, exhibition, or practice sessions that are conducted under a permit from a local governmental unit that enacts an ordinance under s. 30.77 and for which adequate lighting is provided.

INSERT 88-15 ✓

\*\*\*\*NOTE: Do you want to replace both of the uses of the term "get" in this provision with the term "come" for purposes of consistency?

INSERT 91-2 ✓

\*\*\*\*NOTE: If Canadian provinces no longer issue boating safety certificates, should the reference to issuance by a province of Canada in this provision be stricken?

INSERT 93-10 ✓

\*\*\*\*NOTE: This provision states that DNR must, among other things, assist local governmental units in enforcing ordinances enacted by those governmental units. Is this intended? Also, is this provision new?

INSERT 95-4 ✓

2. A county that has the entire shore of an inland lake within <sup>the county</sup> boundaries may enact ordinances applicable to that lake.

2g. A county ordinance enacted under subd. 2. is void if the ordinance is enacted with respect to a lake for which an ordinance is enacted under ~~subd. 1.~~ (a) 1., (c), or (d). ✓  
par.

2r. A county ordinance enacted under subd. 2 with respect to a lake for which an ordinance has not been enacted under ~~subd. 1.~~ (a) 1., (c), or (d) is void if any of the following applies: ✓  
par.

a. The entire shoreline of the lake is within the boundaries of a <sup>city</sup> ~~town~~, village, or <sup>town</sup> ~~city~~ that adopts a resolution declaring the county ordinance void, and the <sup>city</sup> ~~town~~, village, or <sup>town</sup> ~~city~~ files a copy of the resolution with the department.

b. At least 50% of the <sup>cities</sup> ~~towns~~, villages, or <sup>towns</sup> ~~cities~~ with a portion of shoreline of the lake within <sup>the</sup> ~~the~~ boundaries <sup>adopts</sup> ~~adopt~~ a resolution declaring the county ordinance void, a copy of the resolution is filed with the department, and at least 40% of the footage of shoreline of the lake is within the boundaries of those <sup>cities</sup> ~~towns~~, villages, or <sup>towns</sup> ~~cities~~.  
of the city, village, or town

INSERT 97-4 ✓

5  
\*\*\*\*NOTE: This provision is somewhat confusing. Does it say that a local governmental unit may enact and enforce ordinances as long as they are in strict conformity with state regulation? If so, why is the language under proposed par. (b) necessary? Or is this provision saying that if the local governmental unit chooses to enact an ordinance, it may be in strict conformity or need not be in strict conformity. If this is what is intended, why is this provision necessary at all? Or is this provision intended to clarify that the local governmental unit has authority to enforce the ordinances that it enacts? I know that this provision restates current law under s. 30.77 (2) but I think that current law is also confusing.

INSERT 104-13 ✓



\*\*\*\*NOTE: Do you want to use the term "ordinance" rather than "local regulation" in this provision? The use of the term "local regulation" implies that the department has authority to review proposals other than ordinances.

INSERT 106-24 ✓

\*\*\*\*NOTE: If the sheriff reissues the emergency regulation, does the reissued regulation apply for the same term specified for the original regulation? Or do you want to provide that when the original regulation expires, the sheriff may extend it for a period not exceeding 30 days?

INSERT 108-16 ✓

\*\*\*\*NOTE: I have eliminated the cross-references to s. 30.77 (6) and (7) because the authority of a local governmental unit to enact an ordinance derives only from s. 30.77 (4). Is this O.K.?

INSERT 109-9 ✓

\*\*\*\*NOTE: Why has the term "ordinance" been replaced by the term "local regulation" in this provision?

INSERT 109-18 ✓

\*\*\*\*NOTE: Why has the requirement been stricken in current law that if the unit is created by a number of local governmental units then at least one must be a lake district or lake sanitary district? This seems to be a substantive change in current law.

INSERT 116-14 ✓

\*\*\*\*NOTE: Do you want to establish a deadline for completion of the report? To whom should the report be submitted?

**2003-2004 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0139/P1ins.  
RNK:.....

INSERT 64-3 ✓

\*\*\*\*NOTE: The last sentence in this provision is not necessary. I know that a similar provision exists in current law. But the authority of an agency to promulgate rules, and to enforce and administer those rules, always derives from the statutes. Furthermore, I cannot find any other instance in the statutes where this language appears.

INSERT 70-8 ✓

\*\*\*\*NOTE: Do you want to delete the last sentence in this provision given that DNR already has the authority to revise its rules?

INSERT 92-21 ✓

(c) "State boating laws" means this section, ss. 30.50 to 30.71, and those penalties under s. 30.80 that apply to ss. 30.50 to 30.71. ✓

INSERT 93-1 ✓

\*\*\*\*NOTE: I have changed the defined term "state regulation" to "state boating laws" consistent with our practice of using the term "regulation" only when referring to federal regulations.

INSERT 94-7 ✓

\*\*\*\*NOTE: Should the reference to "local governmental units" be changed to "the city, village, or town" given that this subdivision only concerns ordinances enacted by cities, villages, and towns?

INSERT 103-5 ✓

\*\*\*\*NOTE: Shouldn't the reference to resolutions under this subdivision be omitted given that the department is required to review only ordinances under subd. 1?

INSERT 104-17 ✓

\*\*\*\*NOTE: Do you also want the department to retain a copy of each amendment or repeal?

INSERT 113-6

SECTION 1. 30.90 (1) ~~(intro.), (a) and (b)~~ of the statutes are amended to read:  
30.90 (1) ~~(intro.)~~ As long as Lake Lions Lake in the town of Alban, Portage County, continues to be used as a recreational area for the physically handicapped, all of the following shall apply:

*plain* *nor the*  
(a) Neither the county ~~or~~ town may provide, nor shall any subdivider be required or permitted to provide, public access to ~~Lake~~ Lions Lake, if the public access will in any way interfere with the use of the lake as a recreational area for the physically handicapped. ✓

History: 2001 a. 103.

(b) The department may stock ~~Lake~~ Lions Lake with fish, any provision in ch. 29 to the contrary notwithstanding.

History: 2001 a. 103.

**SECTION 2.** 30.90 (2) of the statutes is amended to read:

30.90 (2) The town board of the town of Alban shall have jurisdiction over ~~Lake~~ Lions Lake and may enact and enforce any ordinances necessary to prevent any deterioration of the waters of ~~Lake~~ Lions Lake or any nuisances that would adversely affect the public health or safety of the people.

History: 2001 a. 103.

INSERT 109-10 ✓

**SECTION 3.** 30.79 (1) (a) of the statutes is repealed.

\*\*\*\*NOTE: The definition in s. 30.79 (1) (a) is no longer necessary. See s. 30.50 (4u) as created in this ~~draft~~.

*bill*

30.77 (5) -

Make clear -

Statutes listed in (b) must be in  
strict conformity.

All others must be either in strict  
conformity or consistent with 30.77

think about how to write this

for those in strict conformity -

if ~~the~~ the ~~statute~~ ordinance is on the  
same subject as the statute, must be  
in strict conformity -